



Atty. Dkt. No. 038602-1153

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Malcolm Wilson MOON et al.

Title: MANNICH BASE PRODRUGS OF 3-(PYRROL-2-YL-METHYLIDENE)-2-INDOLINONE DERIVATIVES

Appl. No.: 09/863,804

Filing Date: 05/24/2001

Examiner: Rebecca L. Anderson

Art Unit: 1626

13

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Your Petitioner PHARMACIA & UPJOHN COMPANY, having its principal place of business at 301 Henrietta Street, Kalamazoo, MI 49001, (hereinafter referred to as "Petitioner") represents that it is part owner of a right, title, and interest in and to U.S. Patent Application Serial No. 09/863,804, filed 05/24/2001, by virtue of an Assignment filed and recorded on 09/12/2001, on Reel/Frame 012151/0994, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 10/243,663, filed 09/16/2002, which is a continuation of U.S. Patent No. 6,451,838 B1, which issued on U.S. Patent Application Serial No. 09/863,905, filed 05/24/2001, by virtue of an Assignment filed and recorded on 11/15/2001, on Reel/Frame 12155/0097, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent

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Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent Application Serial No. 10/243,663 and/or U.S. Patent 6,451,838 B1 expire for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. §154, prior to the full statutory term of U.S. Patent Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1 as defined in 35 U.S.C. §§154-156 and 173, except for the separation of legal title stated above. Further, the Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being a Titled Officer of the Company, and duly authorized to act on behalf of the Petitioner, certifies that she has reviewed the Assignments attached as APPENDICES A and B, and to the best of her knowledge and belief, legal title to the above identified patent application, U.S. Patent Application Serial No. 10/243,663 and U.S. Patent 6,451,838 B1 rests with the Petitioner. The

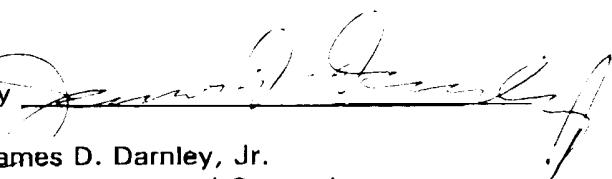
Atty. Dkt. No. 038602-1153

undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 9/4/03

By



James D. Darnley, Jr.
Associate General Counsel
Senior Director
Global Intellectual Property

FOLEY & LARDNER
Customer Number: 22428

22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

A check in the amount of \$410.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 7, 2003

FOLEY & LARDNER
Customer Number: 22428

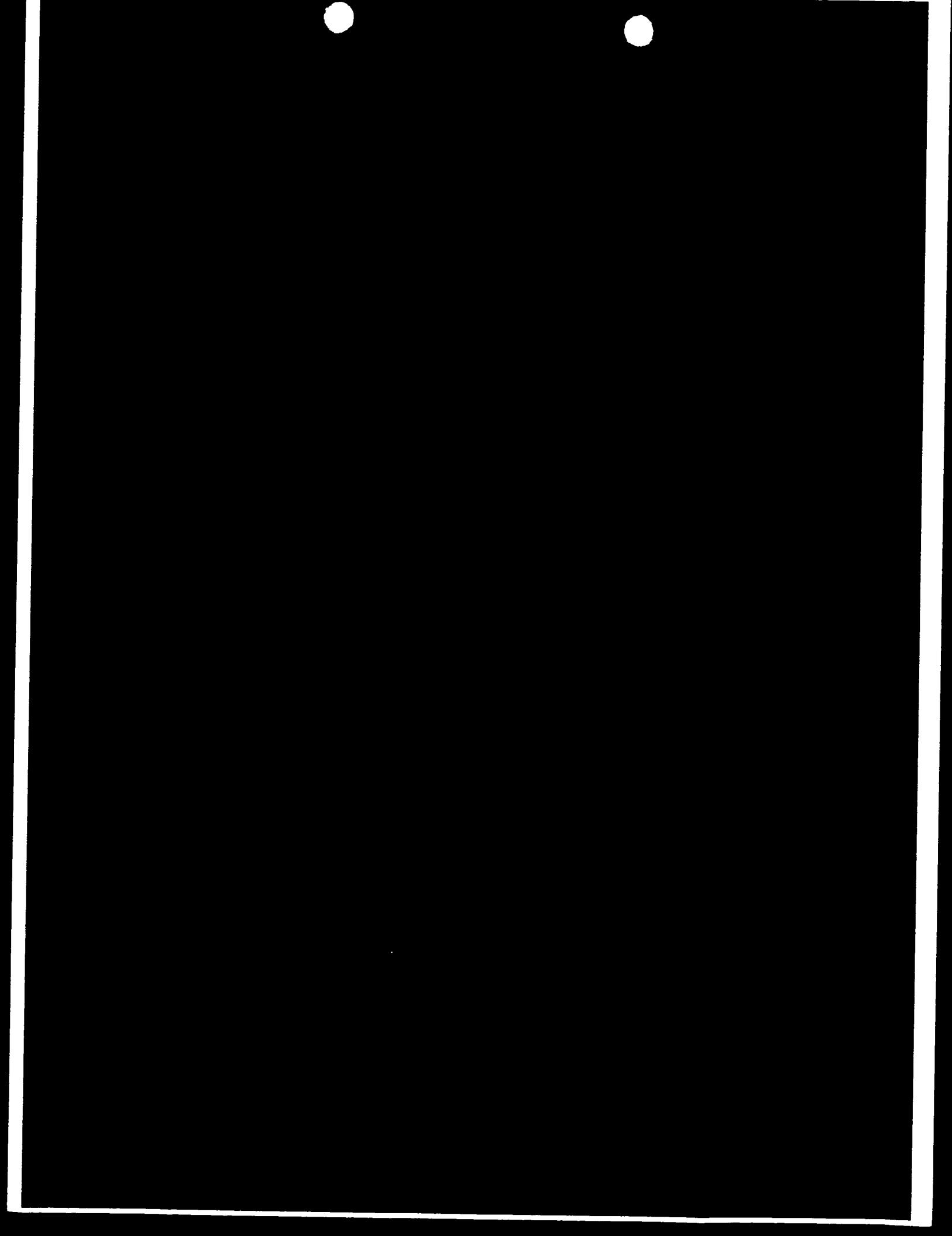


22428

PATENT TRADEMARK OFFICE

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By Richard P. Burrous 35,087
for Beth A. Burrous
Attorney for Applicant
Registration No. 35,087

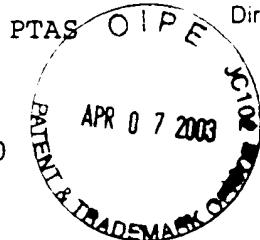




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NOVEMBER 20, 2001

FOLEY & LARDNER
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WASHINGTON, D.C. 20007-5109



Under Secretary of Commerce For Intellectual Property and
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RECORDATION DATE: 09/12/2001

REEL/FRAME: 012151/0994

NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MOON, MALCOLM WILSON

DOC DATE: 08/29/2001

ASSIGNOR:

MOROZOWICH, WALTER

DOC DATE: 08/29/2001

ASSIGNOR:

GAO, PING

DOC DATE: 08/29/2001

ASSIGNOR:

TANG, PENG CHO

DOC DATE: 08/30/2001

ASSIGNEE:

SUGEN INCORPORATED
230 EAST GRAND AVENUE
SOUTH SAN FRANCISCO, CALIFORNIA

94080

ASSIGNEE:

PHARMACIA & UPJOHN COMPANY
301 HENRIETTA STREET
KALAMAZOO, MICHIGAN 49001

SERIAL NUMBER: 09863804
PATENT NUMBER:

FILING DATE: 05/24/2001
ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

09-17-2001

RE



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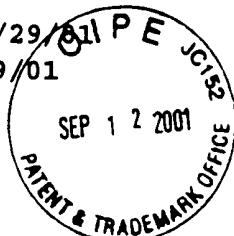
101845159

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

Malcolm Wilson MOON 08/29/01
 Walter MOROZOWICH 08/29/01
 Ping GAO 08/29/01
 Peng Cho Tang 08/30/01

9-12-7)



2. Name and address of receiving party(ies):

SUGEN INCORPORATED
 230 East Grand Avenue
 South San Francisco, CA 94080

PHARMACIA & UPJOHN COMPANY
 301 Henrietta Street
 Kalamazoo, Michigan 49001

Additional conveying party(ies) NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

See above

Additional name(s) & address(es) attached? NO

4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

09/863,804

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Beth A. Burrous
 FOLEY & LARDNER
 Washington Harbour
 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

 Check Enclosed

Charge to deposit account

8. Deposit account number: 19-0741

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Beth A. Burrous

Name of person signing

Signature

09/12/01

Date

Total number of pages including cover sheet, attachments, and document: 5

09/14/2001 DBYRME 00000154 09863804
 01 FC:581

40.00

ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

PHARMACIA & UPJOHN COMPANY
301 Henrietta Street
Kalamazoo, Michigan 49001

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

MANNICH BASE PRODRUGS OF 3-(PYRROL-2-YLMETHYLIDENE)-2-INDOLINONE DERIVATIVES

as set forth in this United States Patent Application

executed concurrently herewith
 executed on _____
 Serial No. 09/863,804 filed May 24, 2001

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions,

Matter No.: 038602/1153

and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Malcolm Wilson MOON	Signature: <i>Malcolm W Moon</i>	Date: 29 Aug 2001
Name: Walter MOROZOWICH	Signature: <i>Walter Morozowich</i>	Date: 29 Aug 2001
Name: Ping GAO	Signature: <i>Ping Gao</i>	Date: 29 Aug 2001
Name:	Signature:	Date:

NAMES AND SIGNATURES OF WITNESSES		
Name: DEBRA J. MARQUETTE	Signature: <i>Debra J. Marquette</i>	Date: 8-29-01
Name: DEBRA J. MARQUETTE	Signature: <i>Debra J. Marquette</i>	Date: 8-29-01
Name: DEBRA J. MARQUETTE	Signature: <i>Debra J. Marquette</i>	Date: 8-29-01

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002.585617.1

ASSIGNMENT · WORLDWIDE

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230 East Grand Avenue
South San Francisco, California 94080

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as set forth in this United States Patent Application

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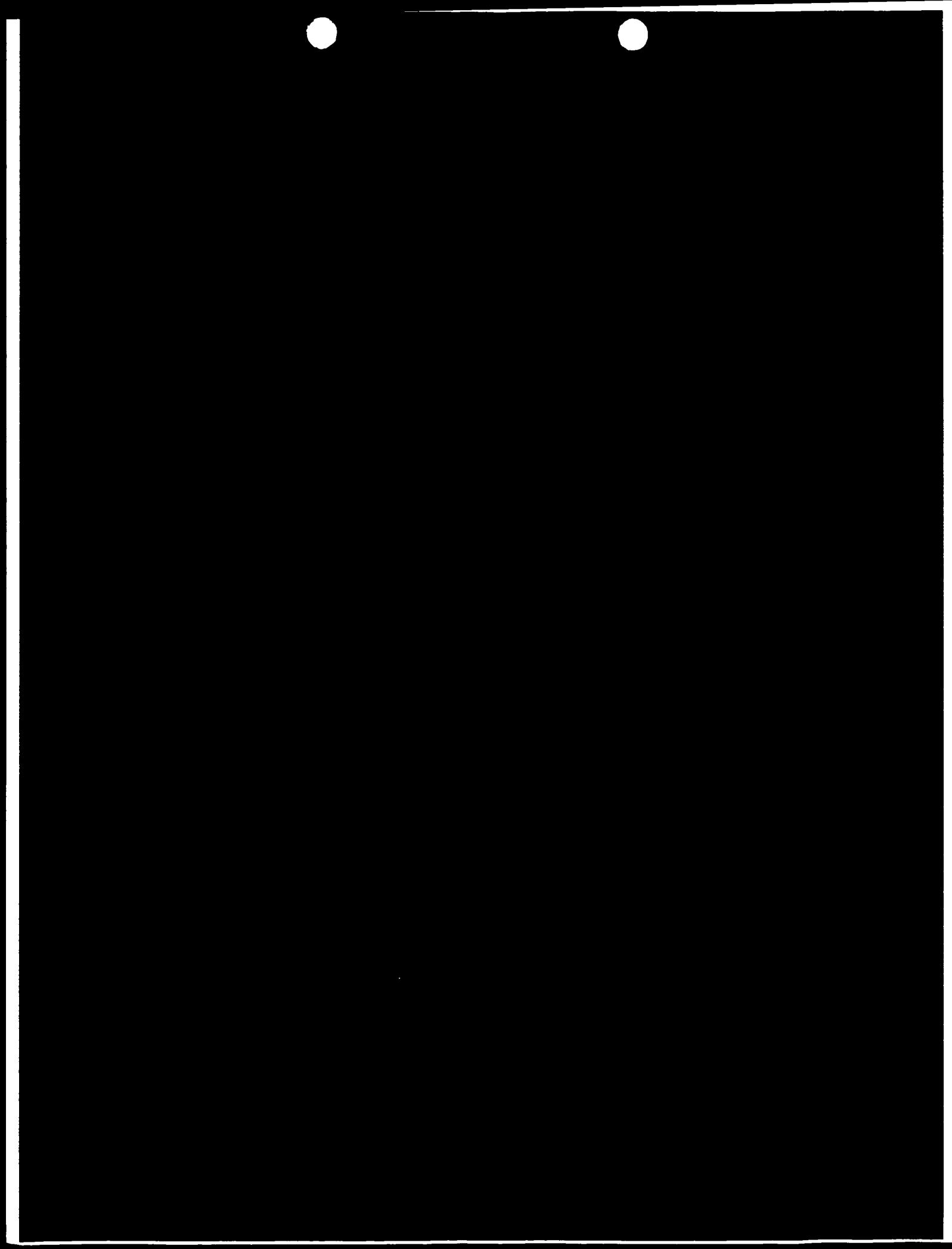
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NAMES AND SIGNATURES OF INVENTORS		
Name: Peng Cho TANG	Signature: 	Date: 8/30/01
Name:	Signature:	Date:
NAMES AND SIGNATURES OF WITNESSES		
Name: MARYJANE NICOLAS-CARRION	Signature: 	Date: 8/30/01
Name:	Signature:	Date:

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NOVEMBER 15, 2001

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Washington, DC 20231
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FOLEY & LARDNER
BETH A. BURROUS
WASHINGTON HARBOUR
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WASHINGTON, D.C. 20007-5109



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RECORDATION DATE: 09/10/2001

REEL/FRAME: 012155/0097
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MOON, MALCOLM WILSON

DOC DATE: 08/29/2001

ASSIGNOR:

MOROZOWICH, WALTER

DOC DATE: 08/29/2001

ASSIGNOR:

GAO, PING

DOC DATE: 08/29/2001

ASSIGNEE:

PHARMACIA & UPJOHN COMPANY
301 HENRIETTA STREET
KALAMAZOO, MICHIGAN 49001

SERIAL NUMBER: 09863905

FILING DATE: 05/24/2001
ISSUE DATE:

PATENT NUMBER:

012155/0097 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
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09-17-2001

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1. Name of conveying party(ies):

Malcolm Wilson Moon
Walter Morozowich
Ping Gao

9/10/01



2. Name and address of receiving party(ies):

Pharmacia & Upjohn Company
301 Henrietta Street
Kalamazoo, MI 49001

Additional conveying party(ies)

NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

08/29/01

Additional name(s) & address(es) attached? NO

4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

09/863,905

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Beth A. Burrous
FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

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Beth A. Burrous

Name of person signing

Signature

Date

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as set forth in this United States Patent Application

executed concurrently herewith
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 Serial No. 09/863,905 filed May 24, 2001

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Name: Ping GAO	Signature: <i>Ping Gao</i>	Date: 29 August 2001
Name:	Signature:	Date:

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